IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J. CHELAMESWAR

WRIT PETITION NO : 16714 of 1994

Between:

G.Balakrishtaiah, S/o. Venkanna,
Primary Agriculrutal Cooperative Society Ltd., Mylaram,
Nizamabad Dist.

..... PETITIONER

AND

1. Primary Agricultural Cooperative Society Ltd., rep.by it's President, Bardipur, Nizamabad Dist.
2. Primary Agriculrutal Cooperative Society Ltd., rep.by it's President, Budimi, Nizamabad Dist.
3. Primary Agriculrutal Cooperative Society Ltd., rep.by it's President, Borlam, Nizamabad Dist.
4. The Dist.Cooperative Officer, Nizamabad.
5. The Dist.Cooperative Central Bank Ltd., rep.by it's President, Nizamabad.

6. The Commissioner of Cooperation and Registrar or Cooperative

Societies,A.P., Hyderabad.

7. The Govt. of A.P.reptd by its Secretary, F&A Dept., Secretariat , Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of *Writ of Mandamus*, a) declaring the Section 116-AA of the A.P. Cooperative Societies Act as violative of Art.14, 16 and 21 of the constitution of India and consequently declare the action of the 4th respondent in allotting the petitioner to the societies which have not permitted the petitioner to join as secretary as illegal, arbitrary and unconstitutional; and b) direct the respondent to pay the salary of the

Petitioner with effect from March, 1993 and further direct the 1st respondent to permit the petitioner to join the society as Secretary in pursuance of the orders of the 4th respondent dt.20.6.94 in Rc.No.523/94/C-2.

For the Petitioner: MR.NANDIGAM KRISHANA RAO, ADVOCATE

Counsel for the Respondents.: G.P. FOR COOPERATION

The Court made the following:

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THE HON'BLE SRI JUSTICE J. CHALMESWAR

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WRIT PETITION No.16174 OF 1994

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O R D E R:

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This writ petition is filed by the petitioner with the following prayer as follows:

a. declaring the Section 116-AA of the A.P. Cooperative Societies Act as violative of Art.14, 16 and 21 of the constitution of India and consequently declare the action of the 4th respondent inallotting the petitioner to the societies which have not permitted the petitioner to join as secretary as illegal, arbitrary and unconstitutional; and

b. direct the respondent to pay the salary of the Petitioner with effect from March, 1993 and further direct the 1st respondent to permit the petitioner to join the society as Secretary in pursuance of the orders of the 4th respondent dated 20.6.1994 in R.C.No.525/94/C-2;

Insofar as the prayer (a) is concerned, the issue is no more ***res-integra*** and is covered against the petitioner by a Division Bench judgment of this court reported in **J. Janaki Ramaiah Vs Government of Andhra Pradesh and others.** Insofar as the prayer 'B' is concerned, it is for the payment of salary of the petitioner by the first respondent, which is a Cooperative Society. In my view, such writ petition is not maintainable. However, it is brought to my notice that by virtue of interim order granted by this court earlier, the petitioner is continuing in the service of the respondent-society. In the circumstances, it is open to the petitioner to seek his remedies for the relief such as one sought in prayer (b) of the writ petition before the

appropriate forum.

The writ petition is accordingly disposed of.

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(J. CHALAMESWAR,J)

12th August, 2004.

Ksn/Knk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The President, Primary Agricultural Cooperative Society Ltd., Bardipur,

Nizamabad Dist.

2. The President, Primary Agriculrutal Cooperative Society Ltd., Budimi, Nizamabad Dist.
3. The President, Primary Agriculrutal Cooperative Society Ltd., Borlam, Nizamabad Dist.
4. The District Cooperative Officer,

Nizamabad.

5. The President, District Cooperative Central Bank Ltd.,

   Nizamabad.

6. The Commissioner of Cooperation and Registrar or Cooperative

Societies, A.P Hyderabad.

7. The Secretary, F & A Department, Govt. of A.P,

   Secretariat , Hyderabad.

8. Two CCs to G.P. for Cooperation, High Buildings, Hyderabad (OUT),

9. Two C.D. copies